

## Minutes of the County Commissioners of Worcester County, Maryland

July 3, 2018

Diana Purnell, President  
Theodore J. Elder, Vice President  
Anthony W. Bertino, Jr.  
Madison J. Bunting, Jr.  
James C. Church  
Merrill W. Lockfaw, Jr.  
Joseph M. Mitrecic

Following a motion by Commissioner Bertino, seconded by Commissioner Lockfaw, the Commissioners unanimously voted to meet in closed session at 9:00 a.m. in the Commissioners' Conference Room to discuss legal and personnel matters permitted under the provisions of Section 3-305(b)(1), (7), and (8) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; Kim Moses, Public Information Officer; and Stacey Norton, Human Resources Director. Topics discussed and actions taken included: transferring and promoting Judy LoBianco from Office Assistant III within the Roads Division of Public Works to Office Assistant IV within County Administration; hiring Eric Tomlinson as a Maintenance Worker I within the Water and Wastewater Division of Public Works; transferring Kyle Abell from Animal Control Officer within the Sheriff's Office to Mosquito Control Foreman Trainee within Public Works; hiring Ashley Clark as a Communication Clerk Trainee and Monica Dietz as a Communications Clerk II and transferring Katelyn Selby from Communications Clerk I to Office Assistant III within Emergency Services; promoting Latoya Everett from Sergeant to Lieutenant within the County Jail; posting to fill vacancies for a Correctional Officer Trainee at the Jail, part-time Document Imager III for the Treasurer's Office, and Roads Foreman for the Roads Division of Public Works; approving a temporary Software Contractor for the Treasurer's Office; acknowledging the hiring of Daniel Tarr and Nicholas Leonard as School Resource Deputies and the rehiring of retired Lieutenant Mike Bowen as a part-time Court Deputy within the Sheriff's Office; receiving legal advice from counsel; and performing administrative functions.

After the closed session, the Commissioners reconvened in open session. Commissioner Purnell called the meeting to order and announced the topics discussed during the morning closed session.

The Commissioners reviewed and approved the open and closed session minutes of their June 19, 2018 meeting as presented.

Pursuant to the request of Library Director Jennifer Ranck and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved the revised quote from Mr. Meticulous Cleaning Services, Inc. of Salisbury, Maryland to provide cleaning services for the

new Berlin Branch Library at \$147.75 per visit. This reflects an increase from the current contract cost of \$51.96 per visit, and this increase reflects the costs associated with cleaning the larger facility. Ms. Ranck advised that the new contract quote exceeds FY19 funding of \$22,000 by \$1,031, with the overage to be covered by cutting site expenses in other areas or perhaps reducing the frequency of cleaning visits if necessary.

Pursuant to the request of Senior Budget Accountant Kim Reynolds and upon a motion by Commissioner Lockfaw, the Commissioners unanimously approved bid specifications for soliciting West Ocean City commercial boat slip leases.

In response to the written request by Ocean City Public Works Director Hal Adkins and the recommendation of Environmental Programs Director Bob Mitchell and upon a motion by Commissioner Mitrecic, the Commissioners unanimously agreed to waive the Critical Area Bond Requirement associated with the Town of Ocean City's runway 14-32 rehabilitation and addition project and other airport projects, with town officials to provide mitigation (shrubs and small tree plantings) on project property located within the Atlantic Coastal Bays Critical Area in accordance with the Atlantic Coastal Bays Critical Area Law.

Pursuant to the request of Emergency Services Director Fred Webster and upon a motion by Commissioner Mitrecic, the Commissioners unanimously authorized staff to apply for Emergency Numbers Systems Board funding of \$166,718.89 to complete telephone fiber upgrades to 911 services within Emergency Services to provide redundancy and resiliency to Public Safety Answering Point Connectivity from Verizon, with fiber conduit provided by Skyline Technology Solutions and equipment provided by Carousel Industries.

Pursuant to the request of Mr. Webster and upon a motion by Commissioner Elder, the Commissioners unanimously approved the no-cost 5<sup>th</sup> amendment to the System Purchase Agreement for 800 MHZ P25 Radio System Migration to delete certain Harris-provided training courses and to add the replacement of equipment to connect the County's paging transmitters that are used for alerting fire and emergency medical service (EMS) personnel, as well as pre-construction engineering services to replace the communications shelter located on the Snow Hill water tower property, at the total agreement price of \$5,340,175.16.

The Commissioners met with Development Review and Permitting Director Ed Tudor to discuss the Town of Pocomoke City's proposed Annexation Resolution No. 01-2018. Mr. Tudor informed the Commissioners that, by virtue of the above-referenced Annexation Resolution, the Town of Pocomoke City is proposing to annex approximately 5.5 acres located on the easterly side of U.S. Rt. 13 to the south of the junction with Sheephouse Road and identified on Tax Map 92 as Parcel 13, Lot 1. Mr. Tudor stated that the property proposed for annexation is zoned C-2 General Commercial District, and the town is proposing to rezone the property to B-2 Commercial zoning upon annexation. He advised that, while some of the town's documents refer to the property as Lot 2, the Annexation Plat and Legal Description show it to be Lot 1. He concluded that the proposed annexation is consistent with the land uses recommended by the County Comprehensive Plan and with existing zoning and land use in the area; therefore, no further action is required on the part of the County Commissioners. Following some discussion

and upon a motion by Commissioner Lockfaw, the Commissioners unanimously agreed to send a letter to the Town of Pocomoke City concurring with the rezoning upon annexation of the subject property.

Pursuant to the recommendation of Mr. Tudor and upon a motion by Commissioner Bunting, the Commissioners unanimously agreed to schedule a public hearing for August 7, 2018 to consider a sectional rezoning of appropriate properties in the area of Ayres Creek, MD Rte. 611, MD Rte. 376, and the South Point Road Neighborhood from E-1 Estate District to R-1 Rural Residential District, as recommended by the Comprehensive Plan. The Commissioners further agreed to advertise the sectional rezoning in local newspapers and not to send individual notification to property owners, since such notification is not required for sectional rezonings. Mr. Tudor explained that the Planning Commission considered the rezoning in conjunction with four prior rezoning cases in these areas and more recently at their March 8, April 5, and May 10, 2018 meetings. He stated that the proposed sectional rezoning received a favorable recommendation from the County Planning Commission.

Pursuant to the recommendation of Public Works Director John Tustin in response to a request by Stephen Decatur High School (SDHS) Cross Country Coach Joseph Stigler and Principal Thomas Zimmer and upon a motion by Commissioner Lockfaw, the Commissioners unanimously authorized the SDHS Cross Country Team to use the Berlin Landfill from early September through mid-October 2018 for cross country training and as part of their home cross country course on Wednesdays when the Homeowner Convenience Center is closed. Mr. Tustin advised that the team has utilized a portion of the capped and closed Berlin landfill mound in a very limited capacity and under tightly controlled circumstances in the past, and there is very little disruption to the surrounding neighborhood. Training and meets are supervised at all times to protect the landfill facility, and no smoking is allowed by spectators during meets.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously awarded the best bid for generator preventative maintenance services for generators operated by various County Departments to Fidelity Power Systems of Seaford, Delaware at a total annual cost of \$35,550 for a period of three years to July 2, 2021. Mr. Tustin advised that the low bidder, J&M Generator Service, LLC of Salisbury, Maryland, with a low bid of \$35,471, has only two employees and two rental generators available, which he felt was not sufficient to serve the needs of the County in an emergency, while Fidelity Power Systems has a staff of 60 factory-trained service technicians throughout Maryland.

Pursuant to the request of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved Change Orders No. 1, 2, and 3 for construction of Central Landfill facility Cell 5, with Allen Myers, as proposed by Project Manager EA Engineering, Science, and Technology, Inc. of Ocean Pines, Maryland as follows: 1 - an additional cost of \$2,662.25 for concrete structure water proofing; 2 - a credit of \$195,584.48 for using alternate geocomposite materials; and 3, a credit of \$140.45 for using an alternate air release valve. Mr. Tustin advised that these changes will result in a net credit of \$193,062.68 for a new total contract price of \$11,534,707.32 and includes a no-cost extension of 14 calendar days to

complete the contract due to weather delays in January 2018.

The Commissioners reviewed bid recommendations for the purchase of one tri-axle dump truck for the Solid Waste Division of Public Works. Upon a motion by Commissioner Mitrecic, the Commissioners unanimously rejected the late bid from Delmarva Kenworth of Dover, Delaware, which was received one minute after the 1:00 p.m. bid deadline on Tuesday, May 29, 2018. Upon a subsequent motion by Commissioner Mitrecic, the Commissioners voted 6-1, with Commissioner Elder voting in opposition, to award the low bid for the purchase of one new Western Star 4900SB triaxle dump truck for the Solid Waste Division to Western Star Trucks of Delmarva, LLC of Mardela Springs, Maryland at a total delivered cost of \$159,714.

Pursuant to the recommendation of Mr. Tustin and upon a motion by Commissioner Bertino, the Commissioners unanimously approved bid specifications for the purchase of a forklift for the Water and Wastewater Division of Public Works. Mr. Tustin advised that \$75,000 is available within the FY19 budget for this purchase.

The Commissioners met with Assistant Chief Administrative Officer and Sewer Committee representative Kelly Shannahan to review a request from Hugh Cropper, IV, attorney for GCR Development Property (Paul Abu-Zaid, Managing Member) for allocation of 27 equivalent dwelling units (EDUs) of sanitary sewer service from the Mystic Harbour Sanitary Service Area (SSA) to serve a proposed hotel on an undeveloped, 3.45-acre parcel on the west side of Golf Course Road just north of Sunset Avenue in West Ocean City and identified on Tax Map 27 as Parcel 702. Mr. Shannahan advised that the subject property is currently zoned C-2 General Commercial, and designated S-1 (designated for sewer service within 2 years) in the County Water and Sewerage Plan, though this does not guarantee any service or obligate the provision of services in that time frame. He stated that, if the EDU allocation request is approved, the applicant will also be required to connect to the Mystic Harbour water system to serve the hotel and to purchase additional water EDUs to supplement the 20 water EDUs currently assigned to the property. He further noted that, given the extent of tidal and non-tidal wetlands on this property and the proposed separation of the parking lot from the hotel, the Sewer Committee suggests that the EDU allocation be contingent upon approval of all wetland and wetland buffer impacts, as well as site plan approval by the Planning Commission. Mr. Shannahan advised that 251 remaining EDUs are available in Area 1 (north of the airport) as follows: 114 EDUs - Infill and Intensification; 80 EDUs - Vacant or Multi-Lot properties; 17 EDUs - Single Family Dwellings; and 40 EDUs - Commercial. He advised that the Sewer Committee recommended that either the Infill and Intensification or the Commercial allocation would be the appropriate categories from which to consider assigning these EDUs.

Upon a motion by Commissioner Bunting, the Commissioners unanimously approved Option 1, as outlined by the Sewer Committee, to allocate 27 EDUs of sewer service from Area 1 to serve the GCR Development, LLC property, with EDU's allocated from the Infill and Intensification category, contingent upon approval of all the wetland and wetland buffer impacts as well as site plan approval by the Planning Commission.

The Commissioners answered questions from the press, after which they adjourned to meet in closed session.

Following a motion by Commissioner Mitrecic, seconded by Commissioner Elder, the Commissioners unanimously voted to meet in closed session at 10:31 a.m. in the Commissioners' Conference Room to discuss legal matters permitted under the provisions of Section 3-305(b)(7), and (8) of the General Provisions Article of the Annotated Code of Maryland and to perform administrative functions. Also present at the closed session were Harold L. Higgins, Chief Administrative Officer; Kelly Shannahan, Assistant Chief Administrative Officer; Maureen Howarth, County Attorney; and Kim Moses, Public Information Officer. Topics discussed and actions taken included: receiving legal advice from counsel; and performing administrative functions.

The Commissioners adjourned to meet again on July 17, 2018.